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Minutes

Board of Elevator Examiners

365 East St. – Anne Sullivan Building

Tewksbury, MA 01876

June 10th @ 9:30 a.m.

1. Board Members Present:

Patrick Coyle, Chairman

Lenny Chase, Member

George Dahlquist, Member

Ed Sandell, Member

George Ramian, Member

Guests Present:

Walter Zalenski, Chief of Elevator Inspections

Deirdre Hosler, Deputy General Counsel

- 2. The minutes from the last meeting on May 6th, 2015, were reviewed by members present; **motion to approve these minutes by George Ramian seconded by Ed Sandell. Motion to accept the minutes as read; all in favor, chair calls for a voice vote, Lenny Chase (y), Ed Sandell (y), George Ramian (y), George Dahlquist (y), Pat Coyle (y) unanimous vote 5-0.****

3. Discussion re Complaint against Paul Ahern by John Sisk

Deputy General Counsel ask inspector Ramian if he inspected this complaint; he said yes so deputy general counsel suggest that he recuse himself from this discussion. Chair said so noted Mr. Ramian as the investigated officer in this case has recuse himself. Counsel said he'll be a witness for the Board. Chairman proceeded to read the compliant letter, regarding the property at 280 Bridge St., Dedham, MA which stated on the EOPSS website Mr. Ahern license expired 3/18/15 and was therefore unlawfully working on the elevator on April 16, 2015. Chair said he has a question; it looks like Mr. Ahern went in with the town of Denham wiring inspector, and then turned it over to the building owner; "why", when did we do the state examination on the elevator. Counsel said I don't think that's something we can understand from the face of the complaint, but it's one of the aspects that would be appropriate to attest at a hearing. My recommendation is that we hold a hearing on this complaint if for no other reason is that Mr. Ahern did not have a license at the time he was working on the elevator. I think that and along with the exchange that is alleging to have occurred between Mr. Sisk and Mr. Ahern, it begs some questions of trustworthiness and competency, including the inspection with the wiring inspector. Counsel also reminded the Board that we recently had a disciplinary hearing with Mr. Ahern that it was

sternly recommended by this board base on his pattern of conduct that he was essentially put on notice that if he crossed the line again in the future there would be consequences. Chair concurred with counsel saying; at that time he was working without a license and it also sounds like by reading the letter that we have to find out when the elevator had a formal inspection by the state of Massachusetts. Deputy General Counsel said that will be part of the evidence that day. Lenny Chase made a motion to hold a hearing. Chair said a motion was made by Lenny Chase to bring Paul Ahern before the Board of Examiners on the complaint by Mr. Sisk and other relative issues. Second by Mr. Sandell. Chair asks any further discussion on the motion; members reply no. Chair call for a voice vote; Chase (y), Sandell (y), Dahlquist (y), Coyle (y), 4 – 0. Mr. Ramian recuses himself.

4. Matters not reasonable anticipated 48 Hours in advance of meeting

Chair asks any discussion on this; members reply no. Then chair ask for a motion to adjourn the regular business meeting, and go into the hearing complaint against Kevin Townsend. Lenny Chase made a motion to close the regular meeting and Dahlquist seconds it. Chair call for a voice vote; Chase (y), Sandell (y), Dahlquist (y), Coyle (y), 4 – 0.

Adjourned: 9:45

Prepared by P. Hodge

@ 10:00am

5. Hearing re Complaint against Kevin Townsend

Board Members Present

Patrick Coyle, Chairman
Lenny Chase, Member
George Dahlquist, Member
Ed Sandell, Member
George Ramian, Member (Recused)

Guest Present

Deirdre Ann Hosler, Deputy General Counsel
Walter Zalenski, Chief of Elevator Inspection
George Ramian
Kevin Townsend Lic. # EM-005761
David Morgan
Deputy Chief John Guinta

Witnesses sworn in by Chairman Patrick Coyle.

Chair read the hearing opening.

The Board will first hear form Deputy Chief John Guinta

Chief John Guinta, Salem Fire Dept.

On January 31, 2015, I responded to Peabody Hall, 1 College Drive, at Salem State College and the response was for someone trapped in the elevator. On my way there the dispatcher said it would be the second elevator because the first one was locked out. When I got there, there were two gentlemen getting into the elevator and he had the lock with him and handed it to me. I said how did you get that lock off and he said he pried it off. Then he got in the elevator and I ask Lt. Frechette to get in the elevator with him because our protocol says one company goes out to elevator room to shut down the elevator and the second company it's usually a pump and ladder truck goes to the elevator car to make sure the people are alright and start communication with them. He showed the board the lock (see attached photo) and said that's what's placed there on notice. Deputy general counsel ask I just want to be clarified what your testimony is, so on that day in question when you arrived at Salem State College there was two elevators and one lock out, Chief Guinta said yes and that happened the day before,

January 30, 2015, Counsel said I'm just trying to get out which elevator the lock was removed, Chief Guinta said car 2. Counsel said so when you arrived that day you expected that car would have a lock out in place, Chief Guinta, correct because we usually get a call to remove it. Counsel were there prior department procedures posted with the lock out. Chief, yes there's this tag that say do not remove lock out tag out call Salem Fire Department at 978-744-1234 for removal. Counsel said for the record, the removal the deputy chief is referring to is a piece of physical evidence that he's brought to the hearing today. It's a lock and he is reading from a tag that physically adhered to the lock. Counsel asks so when you say you seen the lock in hand can you just identify who it was with the lock, Chief Guinta yes Mr. Townsend. Counsel ask does the board have any question; Chair said no, but for the record the Board of Elevator Regulation to the State Fire Marshal Stephen Coan, dated September 7, 2010, reference changes being made to the elevator code 524 CMR specifically 17.39(4), giving the fire department authority to expedite lock out tag out. Chair asks Mr. Townsend if he had any questions for the Chief, he replied no. Counsel asks Mr. Morgan if he has any question for the chief, yes. Counsel asks for the record are you here to represent Mr. Townsend. Yes I am, my name is David Morgan; he proceeded, as far as the new protocols with the lock out tag out are you aware how long Salem has been utilizing lock out tag out. Chief; to the best of my knowledge 2 or 3 years. Mr. Chairman the memo came out September 7, 2010 and I believe it was enacted July 9, 2010 this change in code, was anything sent out to the license elevator mechanics? Chair said not to my knowledge. Chief said I would like to say this has been an education for me as well as the other people sitting here. I just want people to know it's there for people's safety. Mr. Townsend said I have learned my lesson; it had been definitely an education for me as well. Chair ask Mr. Townsend how long has he been a license mechanic; he replied 15 years. Does your company have, or have you gone through a lock out tag out procedure drill; Mr. Townsend said the company I'm with now I did not. Chair ask in the pass have you had lock out tag out training; Mr. Townsend said yes. And you're a member of the elevator construction local 4; correct. Is this part of their training program; yes. Chair ask if anyone else has any questions. Mr. Morgan replied, I think Kevin is very nervous here today, because of the fact there are some implications here, I think he understands what happened. What Kevin has prepared and expressed to me was the in 's and outs of the day; he came out to the call in the morning, he went to the elevator, he checked the doors on every floor, locks in the hoistway below and above the car to make sure there was no circumstances that would prevent him from running the elevator, whether it be human habitation or something broken that would be a problem to run that car, then he proceeded up the machine room and what was best explained to me was that Cambridge scenario, for the rest of the board if your not familiar, what Cambridge did for many years, everybody understands lock out tag out procedure nobody even questioning that, that shouldn't of happened. But what happen here so many years it was they would wire tie disconnect shut, they pulled the hook they wire tie it and there'd be a tag, Cambridge Fire Department, license elevator mechanic was the only one who could cut this off, fix the elevator and notify us when it's done, so we'd know what's happen in one sort of paper trail. So the mentality of the constructors out there was that okay fire department lock this out we'd be sure this thing is 100% safe to look and repair and go ahead and do it. Now again removing the lock out tag out is against any procedure that's been trained over the years. Kevin is readily admitting that because it something were all aware of the multiple locks, we all know the facts that when its multiple locks on a disconnect that there's multiple people in that building. I think trying to get in and keep Salem State happy in a very busy dorm, trying to get this elevator running as soon as possible, he had a lapse of judgment in that case and took it off. But had every intension on going to the fire department and returning that lock to the fire department and letting them know what happened. There clearly not malice here, I think it was bad protocol, bad procedure and I think a lot of people are going to learn

from this. Chair ask are there any other discussion on this hearing; anybody else want to talk. George Dahlquist said I think we should also incorporate this in our testing of new mechanic, put something in there so they are one or two questions just to make sure there aware as well as everybody else. Chair said we are now in the process of preparing a new state license examination and we'll make sure it gets in there. Counsel; I recommend the Board take it under advisement, I don't have any further questions and if the Board members don't we can adjourn.

Chair; on advice of counsel if there's no further discussion we'll now take this matter under advisement, all parties will be notified of the decision, thank you.

Exhibit List

Exhibit 1: Letter from Leonard J. Chase, Elevator Division Supervisor
dated April 1, 2015

Exhibit 2: Application for Complaint dated April 1

Exhibit 3: Firefighters Emergency Elevator Operation & Elevator
Extrication Response dated January 31, 2015

Exhibit 4: Memorandum to State Fire Marshall from Board of Elevator
Regulations dated September 7, 2010

Exhibit 5: Photo of lock that was removed from the disconnect

Next Meeting 6.24.15

Prepared by: Pam Hodge